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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,667

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John K. Gallant

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WORLDCOM, INC.  
TECHNOLOGY LAW DEPARTMENT  
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EXAMINER

NGUYEN, DUC MINH

ART UNIT

PAPER NUMBER

2643

10

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,667

Applicant(s)

GALLANT ET AL.

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-7, 9</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-3, 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-3 recite the limitation "the gateway" in lines 3 and 2, respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim 6-7 recites the limitation "the server" in line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim 8 recites the limitation "the gateway" in line 1. There is insufficient antecedent basis for this limitation in the claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 9-10, 27, 61 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Amico et al (5,579,379).

Consider claims 1, 5, 27, 61. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1;

Art Unit: 2643

col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45).

Consider claims 9-10. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Jobst et al (6,707,915).

Consider claim 4. D'Amico does not teach the step of authenticating includes performing a calculation using a hash algorithm.

Jobst teaches the step of authenticating includes performing a calculation using a hash algorithm (col. 2, ln. 34-54).

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Jobst into the teachings of D'Amico in order to secure the terminal against unauthorized software loading into the phone.

7. Claims 15-26, 38-42, 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Sautter et al (6,233,248).

Consider claims 15-17. D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Sautter teaches adding a header to the call request message, the header including a server id (destination's internet address); and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (col. 28, ln. 49 to col. 31, ln. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Sautter into the teachings of D'Amico in order to provide an improved data protocol that can be used for data communications networks, consisting of wire lines, HF, VHF and UHF radios.

Consider claims 18-26. Sautter's figs. 2A-F; col. 6, ln. 10-67 read on the limitations of these claims.

Consider claim 38-42. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln.

Art Unit: 2643

53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Sautter teaches adding a header to the call request message, the header including a server id (destination's internet address); and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (col. 28, ln. 49 to col. 31, ln. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Sautter into the teachings of D'Amico in order to provide an improved data protocol that can be used for data communications networks, consisting of wire lines, HF, VHF and UHF radios.

Consider claims 66-68. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client

Art Unit: 2643

billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Sautter teaches adding a header to the call request message, the header including a server id (destination's internet address); and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (col. 28, ln. 49 to col. 31, ln. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Sautter into the teachings of D'Amico in order to provide an improved data protocol that can be used for data communications networks, consisting of wire lines, HF, VHF and UHF radios.

8. Claims 2-3, 6-8, 11-14, 28, 31-32, 36-37, 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of McConnell et al (US2003/0074313).

Consider claims 2-3, 11, 28, 31-32, 36-37, 62-64. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col.

Art Unit: 2643

13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach inserting the client billing tag into the call request message; and transmitting the call request message to the gateway.

McConnell teaches inserting the client billing tag into the call request message; and transmitting the call request message to the gateway (page 1, paragraphs 0011, 0013-0016; page 3, paragraph 0035; page 5, paragraph 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of McConnell into the teachings of D'Amico in order to accurately keep track of the amount due from the application provider.

Consider claims 6-8, 12-14, 34-35. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of McConnell et al (US2003/0074313) as applied to claim 28 above, and further in view of Sautter et al (6,233,248).

Consider claim 29. D'Amico in view of McConnell does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message



Art Unit: 2643

to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Sautter teaches adding a header to the call request message, the header including a server id (destination's internet address); and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (col. 28, ln. 49 to col. 31, ln. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Sautter into the teachings of D'Amico in view of McConnell in order to provide an improved data protocol that can be used for data communications networks, consisting of wire lines, HF, VHF and UHF radios.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of McConnell et al (US2003/0074313) as applied to claim 28 above, and further in view of Fletcher et al (H1897).

Consider claim 30. D'Amico in view of McConnell does not teach transmitting at least one call statistic to a network management system.

Fletcher teaches transmitting at least one call statistic to a network management system (col. 2, ln. 11-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fletcher into the teachings of D'Amico in view of McConnell in order to provide operations and maintenance functions, both radio and switch related, using one system. This reduces overall system costs and increases.

Art Unit: 2643

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Sautter et al (6,233,248) as applied to claims 1, 23 above, and further in view of Fletcher et al (H1897).

Consider claim 33. D'Amico in view of Sautter does not teach transmitting at least one call statistic to a network management system.

Fletcher teaches transmitting at least one call statistic to a network management system (col. 2, ln. 11-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fletcher into the teachings of D'Amico in view of Sautter in order to provide operations and maintenance functions, both radio and switch related, using one system. This reduces overall system costs and increases.

12. Claims 43-44, 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Hluchyj et al (6,282,193).

Consider claim 43. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico further teaches an IP network (packet

Art Unit: 2643

switched network and X.25 network; col. 12, ln. 33-55; col. 13, ln. 14-22); a server (ISCP 100); and a network gateway (switch 111 acts as an gateway to perform protocol conversion between different types of networks or applications. For example, between IS-41, X.25, packet switched network and POTS/PSTN). D'Amico does not teach a SIP server.

Hluchyj teaches the use of packet network server that reads on the SIP server (col. 3, ln. 58 to col. 4, ln. 67; col. 6, ln. 50-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hluchyj into the teachings of D'Amico in order to reduce long distance or toll charge to the subscribers.

Consider claim 44. D'Amico further teaches the server transmits the call request message to the gateway if the client billing tag is obtained, and does not transmit the call request message to the gateway if the client billing tag cannot be obtained (col. 30, ln. 45 to col. 31, ln. 21).

Consider claim 47. D'Amico's col. 28, ln. 1-16 reads on the limitations of this claim.

Consider claims 48-49. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

13. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Hluchyj et al (6,282,193) as applied to claim 43 above, and further in view of McConnell et al (US2003/0074313).

Art Unit: 2643

Consider claim 45. D'Amico in view of Hluchyj does not teach inserting the client billing tag into the call request message; and transmitting the call request message to the gateway.

McConnell teaches inserting the client billing tag into the call request message; and transmitting the call request message to the gateway (page 1, paragraphs 0011, 0013-0016; page 3, paragraph 0035; page 5, paragraph 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of McConnell into the teachings of D'Amico in view of Hluchyj in order to accurately keep track of the amount due from the application provider.

Consider claim 46. D'Amico's col. 28, ln. 48-60 reads on the limitations of this claim.

14. Claims 50-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Hluchyj et al (6,282,193) as applied to claim 43 above, and further in view of Sautter et al (6,233,248).

Consider claims 50-51. D'Amico in view of Hluchyj does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Sautter teaches adding a header to the call request message, the header including a server id (destination's internet address); and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (col. 28, ln. 49 to col. 31, ln. 3).

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Sautter into the teachings of D'Amico in view of Hluchyj in order to provide an improved data protocol that can be used for data communications networks, consisting of wire lines, HF, VHF and UHF radios.

Consider claims 52-60. Sautter's figs. 2A-F; col. 6, ln. 10-67 read on the limitations of these claims.

15. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Fletcher et al (H1897).

Consider claim 65. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico in view of McConnell does not teach transmitting at least one call statistic to a network management system.

Fletcher teaches transmitting at least one call statistic to a network management system (col. 2, ln. 11-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fletcher into the teachings of D'Amico in view of

Art Unit: 2643


McConnell in order to provide operations and maintenance functions, both radio and switch related, using one system. This reduces overall system costs and increases

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

3/31/04